

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:
THOMAS DALTON and DAWN DALTON

Case No. 18-26013
Chapter 13
Judge Pamela S. Hollis

Debtors.

Confirmation hearing:
11/9/2018 11:30 a.m.

**THE SEASONS AT SOUTHBURY TOWNHOME ASSOCIATION'S OBJECTION TO
CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN
FILED SEPTEMBER 15, 2018**

Now comes a certain Creditor, THE SEASONS AT SOUTHBURY TOWNHOME ASSOCIATION, by and through its attorney, Benjamin J. Rooney of Keay & Costello, P.C., and for its objection to Debtors' chapter 13 plan filed September 15, 2018 states as follows:

1. The Seasons at Southbury Townhome Association is a claimant-creditor of the Debtors and brings this motion pursuant to 11 U.S.C. 1324 and 1325.
2. On September 28, 2018, The Seasons at Southbury Townhome Association filed its proof of claim with respect to Debtors' obligation to pay association assessments for the property located at 122 Lakeshore Drive, Oswego, Illinois 60543. (Exhibit "A").
3. That pursuant to The Seasons at Southbury Townhome Association's governing documents, which have been recorded with the Recorder of Deeds of Kendall County, Illinois, a lien attaches to the property of the Debtors to secure unpaid assessments and other obligations arising out of ownership of a unit under the jurisdiction of The Seasons at Southbury Townhome Association.

4. At the time Debtors filed the chapter 13 petition on September 15, 2018, Debtors owed the amount of \$3,265.14 for past due assessments, late fees and attorney fees to The Seasons at Southbury Townhome Association. (Exhibit "A").

5. Debtors' plan fails to fully and properly account for The Seasons at Southbury Townhome Association secured interest in the subject real estate and the pre-petition arrearage.

6. As a result of The Seasons at Southbury Townhome Association's lien rights in Debtors' real estate and the proof of claim filed on September 15, 2018, The Seasons at Southbury Townhome Association, should be included in Debtors' chapter 13 plan as a secured creditor in the amount of \$3,265.14.

7. As a result of Debtors failure to fully account for the pre-petition secured debt owed to The Seasons at Southbury Townhome Association, confirmation of Debtors September 15, 2018 plan should be denied.

WHEREFORE, The Seasons at Southbury Townhome Association prays this court for entry of the attached order denying confirmation of the Debtors' plan filed September 15, 2018, and for any such other and further relief as this court deems just and equitable within the premises.

THE SEASONS AT SOUTHBURY
TOWNHOME ASSOCIATION

By:

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